

Centers Act [enacting this subchapter, amending section 9833 of this title, and enacting provisions set out as notes under this section and section 9801 of this title] has demonstrated positive results, and that its purposes and functions have been consolidated into section 645A of the Head Start Act [42 U.S.C. 9840a], the Comprehensive Child Development Centers Act of 1988 (42 U.S.C. 9801 note) and the Comprehensive Child Development Act (42 U.S.C. 9881 et seq.) are repealed.”

CHAPTER 106—COMMUNITY SERVICES BLOCK GRANT PROGRAM

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 3013, 3020d, 3056a, 4953, 8623, 8624, 9812, 9819, 9910b, 11462, 11463, 12638 of this title; title 29 section 795a; title 31 section 6501.

§ 9901. Community services grants authorized

(a) The Secretary is authorized to make grants in accordance with the provisions of this chapter, to States to ameliorate the causes of poverty in communities within the State.

(b) There are authorized to be appropriated \$525,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1998, to carry out the provisions of this chapter.

(Pub. L. 97-35, title VI, § 672, Aug. 13, 1981, 95 Stat. 511; Pub. L. 98-558, title II, § 201, Oct. 30, 1984, 98 Stat. 2884; Pub. L. 99-425, title IV, § 401, Sept. 30, 1986, 100 Stat. 968; Pub. L. 101-501, title IV, § 401(a), Nov. 3, 1990, 104 Stat. 1251; Pub. L. 103-252, title II, § 202(a), May 18, 1994, 108 Stat. 651.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§ 671-684) of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 511, as amended, which is classified principally to this chapter. For complete classification of subtitle B to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-252 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There are authorized to be appropriated \$451,500,000 for fiscal year 1990, \$451,500,000 for fiscal year 1991, \$460,000,000 for fiscal year 1992, \$480,000,000 for fiscal year 1993, and \$500,000,000 for fiscal year 1994 to carry out the provisions of this chapter (other than section 9910a of this title).”

1990—Subsec. (b). Pub. L. 101-501 substituted “are authorized to be appropriated” for “is authorized to be appropriated \$390,000,000 for fiscal year 1987, \$409,500,000 for fiscal year 1988, \$430,000,000 for fiscal year 1989, and”, inserted “\$451,500,000 for fiscal year 1991, \$460,000,000 for fiscal year 1992, \$480,000,000 for fiscal year 1993, and \$500,000,000 for fiscal year 1994” after

“1990,” and inserted before period at end “(other than section 9910a of this title)”.

1986—Subsec. (b). Pub. L. 99-425 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There is authorized to be appropriated \$389,375,000 for the fiscal year 1982 and for each of the 4 succeeding fiscal years to carry out the provisions of this chapter. There is authorized to be appropriated \$400,000,000 for the fiscal year 1985, and \$415,000,000 for the fiscal year 1986, to carry out the provisions of this chapter.”

1984—Subsec. (b). Pub. L. 98-558 inserted at end “There is authorized to be appropriated \$400,000,000 for the fiscal year 1985, and \$415,000,000 for the fiscal year 1986, to carry out the provisions of this chapter.”

EFFECTIVE DATE OF 1994 AMENDMENT

Section 208 of title II of Pub. L. 103-252 provided that: “This title [see Short Title of 1994 Amendment note below], and the amendments made by this title, shall take effect on October 1, 1994.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

SHORT TITLE OF 1994 AMENDMENT

Section 201(a) of title II of Pub. L. 103-252 provided that: “This title [enacting section 9910c of this title, amending this section and sections 9903, 9904, 9910, 9910a, 9910b, 9911, 9912, and 11464 of this title, and enacting provisions set out as a note under this section] may be cited as the ‘Community Services Block Grant Amendments of 1994.’”

SHORT TITLE

Section 671 of Pub. L. 97-35 provided that: “This subtitle [subtitle B (§§ 671-683) of title VI of Pub. L. 97-35, enacting this chapter and repealing sections 2701, 2706, 2711 to 2716, 2771, 2781, 2790, 2791, 2795 to 2797, 2808 to 2815, 2823 to 2825, 2827, 2828, 2830, 2833 to 2837, 2841, 2851 to 2856, 2881, 2901 to 2906, 2921 to 2923, 2928 to 2928g, 2928h to 2928n, 2929 to 2929c, 2930 to 2930f, 2931 to 2933, 2941 to 2948, 2950, 2951, 2961 to 2970, 2971a to 2971g, 2972 to 2980, 2981 to 2981c, 2982 to 2982c, 2983 to 2983b, 2984, 2984a, 2985 to 2985c, 2985d to 2985g, and 2995 to 2995c of this title and provisions set out as a note under section 2701 of this title] may be cited as the ‘Community Services Block Grant Act.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9903, 9910 of this title.

§ 9902. Definitions

For purposes of this chapter:

(1) The term “eligible entity” means any organization which was officially designated as a community action agency or a community action program under the provisions of section 210 of the Economic Opportunity Act of 1964 [42 U.S.C. 2790] for fiscal year 1981, or which came into existence during fiscal year 1982 as a direct successor in interest to such a community action agency or community action program and meets all the requirements under section 9904(c)(3) of this title with respect to the composition of the board, unless such community action agency or a community action program lost its designation under section 210

of such Act as a result of a failure to comply with the provisions of such Act [42 U.S.C. 2701 et seq.]. The term “eligible entity” also includes any limited purpose agency designated under title II of the Economic Opportunity Act of 1964 [42 U.S.C. 2781 et seq.] for fiscal year 1981 which served the general purposes of a community action agency under title II of such Act, unless such designated agency lost its designation under title II of such Act as a result of a failure to comply with the provisions of such Act, any grantee which received financial assistance under section 222(a)(4) of the Economic Opportunity Act of 1964 [42 U.S.C. 2809(a)(4)] in fiscal year 1981, and any organization to which a State which applied for and received a waiver from the Secretary under Public Law 98-139 made a grant under this Act in fiscal year 1984. If any geographic area of a State is not, or ceases to be, served by an eligible entity, the chief executive officer of the State may decide to serve such a new area by—

(A) requesting an existing eligible entity which is located and provides services in an area contiguous to the new area to serve the new area;

(B) if no existing eligible entity is located and provides services in an area contiguous to the new area, requesting the eligible entity located closest to the area to be served or an existing eligible entity serving an area within reasonable proximity of the new area to provide services in the new area; or

(C) where no existing eligible entity requested to serve the new area decides to do so, designating any existing eligible entity, any organization which has a board meeting the requirements of section 9904(c)(3) of this title or any political subdivision of the State to serve the new area. In making a designation under this subparagraph, such chief executive officer shall give priority to such organization. Such officer's designation of an organization which has a board meeting the requirements of section 9904(c)(3) of this title or a political subdivision of the State to serve the new area shall qualify such organization as an eligible entity under this Act.

(2) The term “poverty line” means the official poverty line defined by the Office of Management and Budget based on Bureau of the Census data. The Secretary shall revise the poverty line annually (or at any shorter interval the Secretary deems feasible and desirable) which shall be used as a criterion of eligibility in community service block grant programs. The required revision shall be accomplished by multiplying the official poverty line by the percentage change in the Consumer Price Index For All Urban Consumers during the annual or other interval immediately preceding the time at which the revision is made. Whenever the State determines that it serves the objectives of the block grant established by this chapter the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.

(3) The term “Secretary” means the Secretary of Health and Human Services.

(4) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(Pub. L. 97-35, title VI, §673, Aug. 13, 1981, 95 Stat. 511; Pub. L. 97-115, §17(a)(1), Dec. 29, 1981, 95 Stat. 1609; Pub. L. 98-288, §31(a), May 21, 1984, 98 Stat. 197; Pub. L. 98-558, title II, §202, Oct. 30, 1984, 98 Stat. 2884; Pub. L. 99-425, title IV, §402, Sept. 30, 1986, 100 Stat. 968; Pub. L. 101-501, title IV, §§402, 408, Nov. 3, 1990, 104 Stat. 1251, 1255; Pub. L. 103-171, §7(c)(1), Dec. 2, 1993, 107 Stat. 1994.)

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in par. (1), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§2701 et seq.) of this title prior to repeal, except for titles VIII and X, by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519. Title II of the Economic Opportunity Act of 1964 was classified generally to subchapter II (§2781 et seq.) of chapter 34 of this title. Titles VIII and X of the Act are classified generally to subchapters VIII (§2991 et seq.) and X (§2996 et seq.) of chapter 34 of this title. Sections 210 and 222(a)(4) of the Act were classified to sections 2790 and 2809(a)(4) of this title, respectively, prior to repeal by section 683(a) of Pub. L. 97-35. For complete classification of this Act to the Code, see Tables.

Public Law 98-139, referred to in par. (1), is Pub. L. 98-139, Oct. 31, 1983, 97 Stat. 871, known as the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984. Provisions relating to a waiver by the Secretary of Health and Human Services are set out at 97 Stat. 885. For complete classification of this Act to the Code, see Tables.

This Act, referred to in par. (1), is Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 357, as amended, known as the Omnibus Budget Reconciliation Act of 1981. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1993—Par. (4). Pub. L. 103-171 substituted “Virgin Islands of the United States” for “Virgin Islands”.

1990—Par. (1). Pub. L. 101-501, §402(1)–(3), substituted, in third sentence, “If” for “In”, “is not, or ceases to be,” for “not presently”, and “chief executive officer” for “Governor”.

Par. (1)(C). Pub. L. 101-501, §402(4), (5), inserted before last sentence “In making a designation under this subparagraph, such chief executive officer shall give priority to such organization.” and substituted “Such officer’s” for “The Governor’s” in last sentence.

Par. (2). Pub. L. 101-501, §408, which directed that “For All Urban” be substituted for “for all Urban”, could not be executed, because the phrase already appears in text as “For All Urban”. See 1984 Amendment note below.

1986—Par. (1). Pub. L. 99-425 inserted “, or which came into existence during fiscal year 1982 as a direct successor in interest to such a community action agency or community action program and meets all the requirements under section 675(c)(3) of this Act with respect to the composition of the board” after “1981”.

1984—Par. (1). Pub. L. 98-558, §202(a), inserted provision relating to any organization to which a State which applied for and received a waiver from the Secretary under Public Law 98-139 made a grant under this Act in fiscal year 1984, and inserted provisions authorizing Governors to serve new areas and relating to qualification as eligible entities under this chapter.

Par. (2). Pub. L. 98-558, §202(b), inserted at end “Whenever the State determines that it serves the ob-

jectives of the block grant established by this chapter the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.”

Pub. L. 98-288 substituted “defined by the Office of Management and Budget based on Bureau of the Census data” for “established by the Director of the Office of Management and Budget” and inserted “For All Urban Consumers” after “Consumer Price Index”.

1981—Par. (1). Pub. L. 97-115 inserted provisions that the term eligible entity includes any limited purpose agency designated under title II of the Economic Opportunity Act of 1964 for fiscal year 1981 which served the general purposes of a community action agency under title II of such Act, unless such designated agency lost its designation under title II of such act as a result of a failure to comply with the provisions of such Act, and any grantee which received financial assistance under section 221 or section 222(a)(4) of such Act in fiscal year 1981.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 247b-5, 247c-1, 256, 256a, 290bb-1, 290ff-3, 300n, 300dd-12, 300ff-76, 701, 1396a, 1396d, 1396o, 1396r-5, 1396r-6, 1758, 3002, 4955, 5011, 5061, 8622, 8626b, 9904, 9910b, 9912, 11462, 12618, 13791 of this title; title 7 sections 1927, 2014, 3175; title 8 section 1154; title 20 sections 1078-10, 1085; title 29 sections 1503, 1602, 1642.

§ 9903. State allocations

(a) Allocations for technical assistance and training

(1) Of the amounts appropriated for a fiscal year pursuant to section 9901(b) of this title, the Secretary may reserve not less than one-half of 1 percent and not more than 1 percent for training, technical assistance, planning, evaluation, and data collection activities related to programs or projects carried out under this chapter. Such activities may be carried out by the Secretary through grants, contracts, or cooperative agreements with eligible entities or with organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities.

(2) The process for determining the technical assistance and training activities to be carried out under this section shall—

(A) ensure the needs of community action agencies and programs relating to improving program quality, including financial management practices, are addressed to the maximum extent feasible; and

(B) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the community action State and national network.

(b) Percentage apportionment; "State" defined

(1) The Secretary shall from the amount appropriated under section 9901 of this title for each fiscal year which remains after—

(A) the Secretary makes the apportionment required in subsection (b)(1)¹ of this section; and

(B) the Secretary determines the amount necessary for the purposes of section 9910(d) of this title;

allot to each State an amount which bears the same ratio to such remaining amount as the amount received by the State for fiscal year 1981 under section 2808² of this title bore to the total amount received by all States for fiscal year 1981 under such part,³ except that no State shall receive less than one-quarter of 1 percent of the amount appropriated under section 9901 of this title for such fiscal year.

(2)(A) Subject to subparagraphs (B) and (C), if the amount appropriated under section 9901 of this title for each fiscal year which remains after—

(i) the Secretary makes the apportionment required in subsection (b)(1)¹ of this section; and

(ii) the Secretary determines the amount necessary for the purposes of section 9910(d) of this title;

exceeds \$345,000,000, the Secretary shall allot to each State not less than one-half of 1 percent of the amount appropriated under section 9901 of this title for such fiscal year.

(B) Subparagraph (A) shall not apply with respect to a fiscal year if the amount allotted under paragraph (1) to any State is less than the amount allotted under such paragraph to such State for fiscal year 1990.

(C) The amount allotted under subparagraph (A) to a State shall be reduced, if necessary, so that the aggregate amount allotted to such State under such subparagraph and paragraph (1) does not exceed 140 percent of the aggregate amount so allotted to such State for the fiscal year preceding the fiscal year for which a determination is made under this paragraph.

(3) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands of the United States, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(c) Special allocations to insular areas

(1) The Secretary shall apportion one-half of 1 percent of the amount appropriated under section 9901 of this title for each fiscal year on the basis of need among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Each jurisdiction to which paragraph (1) applies may receive grants under this chapter upon an application submitted to the Secretary containing provisions which describe the programs for which assistance is sought under this chapter, and which are consistent with the requirements of section 9904 of this title.

¹ So in original. Probably should be subsection "(c)(1)".

² See References in Text note below.

³ So in original. Probably should be "such section."

(d) Allocations to Indian tribes; amount, conditions, etc.

(1) If, with respect to any State, the Secretary—

(A) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this chapter be made directly to such tribe or organization; and

(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this chapter;

the Secretary shall reserve from amounts which would otherwise be allotted to such State under this chapter for the fiscal year the amount determined under paragraph (2).

(2) The Secretary shall reserve for the purpose of paragraph (1) from sums that would otherwise be allotted to such State not less than 100 percent of an amount which bears the same ratio to the State's allotment for the fiscal year involved as the population of all eligible Indians for whom a determination under this paragraph has been made bears to the population of all individuals eligible for assistance under this chapter in such State.

(3) The sums reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

(4) In order for an Indian tribe or tribal organization to be eligible for an award for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe by regulation.

(5) The terms "Indian tribe" and "tribal organization" mean those tribes, bands, or other organized groups of Indians recognized in the State in which they reside or considered by the Secretary of the Interior to be an Indian tribe or an Indian organization for any purpose.

(Pub. L. 97-35, title VI, §674, Aug. 13, 1981, 95 Stat. 512; Pub. L. 99-425, title IV, §405(c)(1), Sept. 30, 1986, 100 Stat. 970; Pub. L. 101-501, title IV, §403, Nov. 3, 1990, 104 Stat. 1251; Pub. L. 103-171, §7(c)(2), Dec. 2, 1993, 107 Stat. 1994; Pub. L. 103-252, title II, §202(b), May 18, 1994, 108 Stat. 651.)

REFERENCES IN TEXT

Section 2808 of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519.

AMENDMENTS

1994—Pub. L. 103-252 added subsec. (a) and redesignated former subsecs. (a) to (c) as (b) to (d), respectively.

1993—Subsec. (a)(1)(B), (2)(A)(ii). Pub. L. 103-171, §7(c)(2)(A), substituted "section 9910(d)" for "section 9910(c)".

Subsec. (a)(3). Pub. L. 103-171, §7(c)(2)(B), substituted "Virgin Islands of the United States" for "Virgin Islands".

1990—Subsec. (a)(2), (3). Pub. L. 101-501 added par. (2) and redesignated former par. (2) as (3).

1986—Subsec. (a)(1)(B). Pub. L. 99-425 substituted "9910(c)" for "9910(b)".

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-252 effective Oct. 1, 1994, see section 208 of Pub. L. 103-252, set out as a note under section 9901 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9904, 9907, 9911, 11462 of this title.

§ 9904. Applications and requirements**(a) Form and assurances**

Each State desiring to receive an allotment for a fiscal year under this chapter shall submit an application to the Secretary. Each such application shall be in such form as the Secretary shall require. Each such application or significant amendments thereof shall contain assurances by the chief executive officer of the State that the State will comply with subsection (b) of this section and will meet the conditions enumerated in subsection (c) of this section.

(b) Public hearings on use and distribution of funds for subsequent fundings

After the expiration of the first fiscal year in which a State received funds under this chapter, no funds shall be allotted to such State for any fiscal year under this chapter unless the legislature of the State conducts public hearings on the proposed use and distribution of funds to be provided under this chapter for such fiscal year.

(c) Certifications required

As part of the annual application required by subsection (a) of this section, the chief executive officer of each State shall certify that the State agrees to—

(1) ensure that, at its discretion and consistent with agreements with the State, each recipient of funds available under this chapter will use such funds—

(A) to provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;

(B) to provide activities designed to assist low-income participants including homeless individuals and families, migrants, and the elderly poor—

(i) to secure and retain meaningful employment;

(ii) to attain an adequate education;

(iii) to make better use of available income;

(iv) to obtain and maintain adequate housing and a suitable living environment;

(v) to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;

(vi) to remove obstacles and solve problems which block the achievement of self-sufficiency;

(vii) to achieve greater participation in the affairs of the community; and

(viii) to make more effective use of other programs related to the purposes of this chapter;

(C) to provide on an emergency basis for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;

(D) to coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low-income individuals; and

(E) to encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community;

(2)(A) use, for fiscal year 1985 and for each subsequent fiscal year, not less than 90 percent of the funds allotted to the State under section 9903 of this title to make grants to use for the purposes described in clause (1) to eligible entities (as defined in section 9902(1) of this title) or to organizations serving seasonal or migrant farmworkers, except that no more than 7 percent of the funds available for this subclause shall be granted to organizations which were not eligible entities during the previous fiscal year; and

(B) if less than 100 percent of the allotment is expended under subparagraph (A), provide assurances that with respect to the remainder of the allotment a reasonable amount shall be used for—

(i) providing training and technical assistance to those entities in need of such assistance and such activities will not be considered administrative expenses;

(ii) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities funded under this chapter, including outposting appropriate State or local public employees into entities funded under this chapter to ensure increased access to services provided by such State or local agencies;

(iii) supporting statewide coordination and communication among eligible entities;

(iv) administrative expenses at the State level, including monitoring activities, but not more than \$55,000 or 5 percent of its allotment under section 9903 of this title; and

(v) considering the distribution of funds under this chapter within the State to determine if such funds have been targeted to the areas of greatest need.

(3) provide assurances that (A) in the case of a community action agency or nonprofit private organization, each board will be selected by the community action agency or nonprofit private organization and constituted so as to assure that (i) one-third of the members of the board are elected public officials, currently holding office, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting such one-third requirement; (ii) at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served; and (iii) the remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community, and (B) in the case of a public organization receiving funds under this chapter, such organization either establish—

(i) a board of which at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served; or

(ii) another mechanism specified by the State to assure low-income citizen participation in the planning, administration, and evaluation of projects for which such organization has been funded;¹

(4) give special consideration in the designation of local community action agencies under this chapter to any community action agency which is receiving funds under any Federal antipoverty program on August 13, 1981, except that (A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and (B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, the State shall give special consideration in the designation of community action agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds in the fiscal year preceding the fiscal year for which the determination is made;

(5) provide assurances that the State may transfer funds, but not to exceed 5 percent of its allotment under section 9903 of this title, for the provisions set forth in this chapter to services under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], the Head Start program under subchapter II of chapter 105 of this title, the energy crisis intervention program under subchapter II of chapter 94 of this title (relating to low-income home energy assistance), or the Emergency Food Assistance Act of 1983;

(6) prohibit any political activities in accordance with subsection (e) of this section;

(7) prohibit any activities to provide voters and prospective voters with transportation to

the polls or provide similar assistance in connection with an election or any voter registration activity;

(8) provide for coordination between anti-poverty programs in each community, where appropriate, with emergency energy crisis intervention programs under subchapter II of chapter 94 of this title (relating to low-income home energy assistance) conducted in such community;

(9) provide that fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this chapter, including procedures for monitoring the assistance provided under this chapter, and provide that at least every year each State shall prepare, in accordance with subsection (f) of this section, an audit of its expenditures of amounts received under this chapter and amounts transferred to carry out the purposes of this chapter;

(10) permit and cooperate with Federal investigations undertaken in accordance with section 9908 of this title;

(11) provide assurances that any community action agency or migrant and seasonal farmworker organization which received funding in the previous fiscal year under this Act will not have its present or future funding terminated under this Act, or reduced below the proportional share of funding it received in the previous fiscal year, unless after notice, and opportunity for hearing on the record, the State determines that cause existed for such termination or such reduction subject to the procedures and review by the Secretary as provided in section 9905a of this title.

(A) For purposes of making a determination with respect to a funding reduction, the term "cause" includes—

(i) a statewide redistribution of funds under this chapter to respond to—

(aa) the results of the most recently available census or other appropriate data;

(bb) the establishment of a new eligible entity;

(cc) severe economic dislocation; and

(ii) the failure of an eligible entity to comply with the terms of its agreement to provide services under this chapter; and

(B) for² purposes of making a determination with respect to a termination, the term "cause" includes the material failure of an eligible entity to comply with the terms of its agreement and community action plan to provide services under this chapter;

(12) in the case of a State which applied for and received a waiver from the Secretary under Public Law 98-139, provide assurances that funds will not be provided under this chapter by such State to an organization to which such State made a grant under this chapter in fiscal year 1984 unless such organization allows, before expending such funds, low-income individuals to comment on the

¹ So in original.

² So in original. Probably should be capitalized.

uses for which such organization proposes to expend such funds;

(13) secure from each eligible entity as a condition to its receipt of funding under this Act a community action plan (which shall be available to the Secretary for inspection) that includes—

(A) a community needs assessment (including food needs);

(B) a description of the service delivery system targeted to low-income individuals and families in the service area;

(C) a description of how linkages will be developed to fill identified gaps in services through information, referral, case management, and followup consultations;

(D) a description of how funding under this Act will be coordinated with other public and private resources; and

(E) a description of outcome measures to be used to monitor success in promoting self-sufficiency, family stability, and community revitalization; and

(14) provide assurances that cost and accounting standards of the Office of Management and Budget shall apply to a recipient of funds under this chapter.

The Secretary may prescribe procedures only for the purpose of assessing the effectiveness of eligible entities in carrying out the purposes of this chapter. The Secretary shall provide to the chief executive officer of each State appropriate information regarding designated limited purpose agencies and grantees which meet the requirements of the second sentence of section 9902(1) of this title.

(d) State plans

(1) In addition to the requirements of subsection (c) of this section, the chief executive officer of each State shall prepare and furnish to the Secretary a plan which contains provisions describing how the State will carry out the assurances contained in subsection (c) of this section. The chief executive officer of each State may revise any plan prepared under this paragraph and shall furnish the revised plan to the Secretary.

(2) Each plan or revision prepared under paragraph (1) shall be made available for public inspection within the State in such a manner as will facilitate review of, and comment on, the plan.

(e) Repealed. Pub. L. 103-94, § 6, Oct. 6, 1993, 107 Stat. 1005

(f) Conduct of independent audits; copies to State legislatures

Each audit required by subsection (c)(9) of this section shall be conducted by an entity independent of any agency administering activities or services carried out under this chapter and shall be conducted in accordance with generally accepted accounting principles. Within 30 days after the completion of each audit, the chief executive officer of the State shall submit a copy of such audit to the eligible entity at no charge, to the legislature of the State and to the Secretary.

(g) Repayment of funds expended improperly

The State shall repay to the United States amounts found not to have been expended in accordance with this chapter or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this chapter.

(h) Periodic evaluations of expenditures by Comptroller General

The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States (including any State that received a waiver under Public Law 98-139) of grants under this chapter in order to assure that expenditures are consistent with the provisions of this chapter and to determine the effectiveness of the State in accomplishing the purposes of this chapter.

(Pub. L. 97-35, title VI, § 675, Aug. 13, 1981, 95 Stat. 513; Pub. L. 97-115, § 17(a)(2), (b), Dec. 29, 1981, 95 Stat. 1609; Pub. L. 98-558, title II, § 203(a)-(c), Oct. 30, 1984, 98 Stat. 2885; Pub. L. 99-425, title IV, §§ 403(a)(1), (b), 404(b), Sept. 30, 1986, 100 Stat. 968, 969; Pub. L. 101-501, title IV, § 404(a), (b), Nov. 3, 1990, 104 Stat. 1252; Pub. L. 101-624, title XVII, § 1772(h)(6), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 103-94, § 6, Oct. 6, 1993, 107 Stat. 1005; Pub. L. 103-252, title II, § 202(c)-(g), May 18, 1994, 108 Stat. 652-654.)

REFERENCES IN TEXT

The Older Americans Act of 1965, referred to in subsec. (c)(5), is Pub. L. 89-73, July 14, 1965, 79 Stat. 218, as amended, which is classified generally to chapter 35 (§3001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

Subchapter II of chapter 105 of this title, referred to in subsec. (c)(5), was in the original “subchapter B of chapter 8 of subtitle A of this title”, meaning subchapter B (§§635 to 657) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, known as the Head Start Act, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of this title and Tables.

Subchapter II of chapter 94 of this title, referred to in subsec. (c)(5), (8), was in the original “title XXVI of this Act”, meaning title XXVI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 893, known as the Low-Income Home Energy Assistance Act of 1981, which is classified generally to subchapter II (§8621 et seq.) of chapter 94 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8621 of this title and Tables.

The Emergency Food Assistance Act of 1983, referred to in subsec. (c)(5), is title II of Pub. L. 98-8, Mar. 24, 1983, 97 Stat. 35, as amended, which is set out as a note under section 612c of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsec. (c)(11), (13), is Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 357, as amended, known as the Omnibus Budget Reconciliation Act of 1981. For complete classification of this Act to the Code, see Tables.

Public Law 98-139, referred to in subsecs. (c)(12) and (h), is Pub. L. 98-139, Oct. 31, 1983, 97 Stat. 871, known as the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-252, § 202(c)(1), inserted “or significant amendments thereof” before “shall contain assurances”.

Subsec. (c). Pub. L. 103-252, § 202(c)(6), in concluding provisions substituted “The Secretary may prescribe procedures only for the purpose of assessing the effectiveness of eligible entities in carrying out the purposes of this chapter” for “The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection”.

Subsec. (c)(1). Pub. L. 103-252, § 202(c)(2), in introductory provisions substituted “ensure that, at its discretion and consistent with agreements with the State, each recipient of funds available under this chapter will use such funds” for “use the funds available under this chapter”.

Subsec. (c)(1)(B). Pub. L. 103-252, § 202(c)(3), in introductory provisions inserted “homeless individuals and families, migrants, and” before “the elderly poor”.

Subsec. (c)(2)(B). Pub. L. 103-252, § 202(c)(4), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “provide assurances that the State will not expend more than the greater of \$55,000 or 5 percent of its allotment under section 9903 of this title for administrative expenses at the State level.”

Subsec. (c)(3). Pub. L. 103-252, § 202(c)(5), designated existing provisions as cl. (A) by substituting “(A)” for comma after “provide assurances that”, inserted “selected by the community action agency or nonprofit private organization and” after “board will be”, redesignated former cls. (A) to (C) as subcls. (i) to (iii), respectively, of cl. (A), and added cl. (B).

Subsec. (c)(11). Pub. L. 103-252, § 202(d)(1), designated second sentence as subpar. (A) and realigned margin, redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, of subpar. (A) and former cls. (i) to (iii) as subcls. (aa) to (cc), respectively, of cl. (i), and added subpar. (B).

Subsec. (c)(13), (14). Pub. L. 103-252, § 202(d)(2), (3), added pars. (13) and (14).

Subsec. (d)(2). Pub. L. 103-252, § 202(e), inserted “or revision” after “Each plan”.

Subsec. (f). Pub. L. 103-252, § 202(f), inserted “to the eligible entity at no charge,” before “to the legislature”.

Subsec. (h). Pub. L. 103-252, § 202(g), inserted “(including any State that received a waiver under Public Law 98-139)” after “expenditures by States”.

1993—Subsec. (e). Pub. L. 103-94 struck out subsec. (e) which read as follows: “For purposes of chapter 15 of title 5, any nonprofit private organization receiving assistance under this chapter which has responsibility for planning, developing, and coordinating community antipoverty programs shall be deemed to be a State or local agency. For purposes of clauses (1) and (2) of section 1502(a) of such title, any such organization receiving assistance under this chapter shall be deemed to be a State or local agency.”

1990—Subsec. (c)(5). Pub. L. 101-624 struck out “Temporary” before “Emergency Food Assistance Act of 1983”.

Subsec. (c)(11). Pub. L. 101-501, § 404(a), inserted “, or reduced below the proportional share of funding it received in the previous fiscal year,” before “unless after notice”, inserted “or such reduction” after “such termination”, and added sentence at end defining “cause”.

Subsec. (c)(12). Pub. L. 101-501, § 404(b), added par. (12).

1986—Subsec. (c). Pub. L. 99-425, § 403(b), struck out last sentence which read as follows: “No eligible entity which receives funds for a project or activity under clause (2)(A)(i) of this subsection may receive funds otherwise available under this chapter for that project or activity.”

Subsec. (c)(11). Pub. L. 99-425, § 403(a)(1), inserted “the procedures and” after “subject to”.

Subsec. (i). Pub. L. 99-425, § 404(b), struck out subsec. (i) which read as follows:

“(1) For purposes of determining compliance with this chapter the Secretary shall conduct, in several

States in each fiscal year, evaluations of the uses made of funds received under this chapter by such States.

“(2) The results of such evaluations shall be submitted annually to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate.”

1984—Subsec. (c)(2)(A). Pub. L. 98-558, § 203(a)(1)–(3), substituted “1985 and for each subsequent fiscal year” for “1982 only”, inserted “except that no more than 7 percent of the funds available for this subclause shall be granted to organizations which were not eligible entities during the previous fiscal year”, struck out “(i)” thereby redesignating former division (i) as subpar. (A), and struck out division (ii) which provided that, for fiscal year 1983, not less than 90 percent of allotted funds were to be used for making grants to political subdivisions directly or to private nonprofit community organizations which have a board or to migrant and seasonal farm workers.

Subsec. (c)(2)(B). Pub. L. 98-558, § 203(a)(4), inserted “the greater of \$55,000 or”.

Subsec. (c)(5). Pub. L. 98-558, § 203(a)(5), substituted “the energy” for “or the energy” before “crisis intervention program” and inserted “, or the Temporary Emergency Food Assistance Act of 1983”.

Subsec. (c)(11). Pub. L. 98-558, § 203(b), which directed the amendment of this section by adding a par. (11), was executed by adding the par. (11) at the end of subsec. (c).

Subsec. (i). Pub. L. 98-558, § 203(c), added subsec. (i).

1981—Subsec. (c). Pub. L. 97-115 inserted a comma after “directly” in par. (2)(a)(ii), and in provisions following par. (10), inserted provisions that the Secretary shall provide to the Chief Executive Officer of each State appropriate information regarding designated limited purpose agencies and grantees which meet the requirements of the second sentence of section 9902(1) of this title and that no entity which receives funds for a project or activity under cl. (2)(A)(i) of this subsection may receive funds otherwise available under this chapter for that project or activity.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-252 effective Oct. 1, 1994, see section 208 of Pub. L. 103-252, set out as a note under section 9901 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 103-94 effective 120 days after Oct. 6, 1993, but not to release or extinguish any penalty, forfeiture, or liability incurred under amended provision, which is to be treated as remaining in force for purpose of sustaining any proper proceeding or action for enforcement of that penalty, forfeiture, or liability, and no provision of Pub. L. 103-94 to affect any proceedings with respect to which charges were filed on or before 120 days after Oct. 6, 1993, with orders to be issued in such proceedings and appeals taken therefrom as if Pub. L. 103-94 had not been enacted, see section 12 of Pub. L. 103-94, set out as an Effective Date; Savings Provision note under section 7321 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

CONSTRUCTION

Section 207 of Pub. L. 98-558 provided that: “Notwithstanding any other provision of law the provisions of section 675(c)(2) of the Act [subsec. (c)(2) of this sec-

tion] made by the amendments contained in paragraphs (1), (2), and (3) of section 203 of this Act [amending subsec. (c)(2)(A) of this section] shall apply to the funds appropriated for the Act [this chapter] for fiscal year 1985.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3026, 9902, 9903, 9905a, 9908, 11463 of this title.

§ 9905. Office of Community Services; establishment; function

(a) There is established in the Department of Health and Human Services an Office of Community Services. The Office shall be headed by a Director.

(b) The Secretary shall carry out his functions under this chapter through the Office of Community Services established in subsection (a) of this section.

(Pub. L. 97-35, title VI, § 676, Aug. 13, 1981, 95 Stat. 516.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9804 of this title.

§ 9905a. Procedures for a review of termination or reduction of funding

(a) Assumption by Secretary of responsibility for financial assistance in case of State violation of assurances

Whenever a State violates the assurances contained in section 9904(c)(11) of this title and terminates or reduces the funding of a community action agency or migrant and seasonal farmworker organization prior to the completion of the State's hearing and the Secretary's review as required in section 9908 of this title, the Secretary shall assume responsibility for providing financial assistance to the community action agency or migrant and seasonal farmworker organization affected. The allotment for the State shall be reduced by an amount equal to the funds provided under this section by the Secretary to such agency or organization.

(b) Review of termination or reduction of funding upon request

The Secretary shall upon request review any termination or reduction of funding to a community action agency or migrant and seasonal farmworker organization protected by a State's assurance under section 9904(c)(11) of this title. Such review shall be conducted promptly and shall be based upon the record and no determination shall become effective until a finding by the Secretary confirming the State's finding of cause.

(c) Conduct of review through Office of Community Services

The Secretary shall conduct the review under subsection (b) of this section through the Office of Community Services, which shall promptly conduct such review and issue a written determination together with the reasons of the Secretary therefor.

(Pub. L. 97-35, title VI, § 676A, as added Pub. L. 98-558, title II, § 203(d), Oct. 30, 1984, 98 Stat. 2885; amended Pub. L. 99-425, title IV, § 403(a)(2)-(4), Sept. 30, 1986, 100 Stat. 968, 969; Pub. L. 101-501, title IV, § 404(c), Nov. 3, 1990, 104 Stat. 1252.)

AMENDMENTS

1990—Pub. L. 101-501 inserted “or reduction” after “termination” in section catchline, “or reduces” after “terminates” in subsec. (a), and “or reduction” after “termination” in subsec. (b).

1986—Pub. L. 99-425 substituted “Procedures for a review of termination of funding” for “Termination of funding review” in section catchline, designated existing provisions as subsec. (b), and added subsecs. (a) and (c).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9904 of this title.

§ 9906. Nondiscrimination provisions

(a) Prohibitions

No person shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this chapter. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.] or with respect to an otherwise qualified handicapped individual as provided in section 794 of title 29 shall also apply to any such program or activity.

(b) Procedures applicable to secure compliance

Whenever the Secretary determines that a State that has received a payment under this chapter has failed to comply with subsection (a) of this section or an applicable regulation, he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], or section 794 of title 29, as may be applicable; or (3) take such other action as may be provided by law.

(c) Maintenance of civil actions

When a matter is referred to the Attorney General pursuant to subsection (b) of this section, or whenever he has reason to believe that the State is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(Pub. L. 97-35, title VI, § 677, Aug. 13, 1981, 95 Stat. 516.)

REFERENCES IN TEXT

The Age Discrimination Act of 1975, referred to in subsecs. (a) and (b), is title III of Pub. L. 94-135, Nov. 28,

1975, 78 Stat. 728, as amended, which is classified generally to chapter 76 (§6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (b), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

§ 9907. Payments to States

(a) From its allotment under section 9903 of this title, the Secretary shall make payments to each State in accordance with section 6503(a) of title 31, for use under this chapter.

(b) Payments to a State from its allotment for any fiscal year shall be expended by the State in such fiscal year or in the succeeding fiscal year.

(Pub. L. 97-35, title VI, §678, Aug. 13, 1981, 95 Stat. 516.)

CODIFICATION

In subsec. (a), “section 6503(a) of title 31” substituted for “section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213)” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 9908. Withholding of funds

(a) Substantial noncompliance with conditions and requirements

(1) The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State which does not utilize its allotment substantially in accordance with the provisions of this chapter and the assurances such State provided under section 9904 of this title.

(2) The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the provisions of this chapter or the assurances provided by the State under section 9904 of this title. For purposes of this paragraph, a violation of any one of the assurances contained in section 9904(c) of this title that constitutes a disregard of that assurance shall be considered a serious complaint.

(b) Investigations

(1) The Secretary shall conduct in several States in each fiscal year evaluations and investigations of the use of funds received by the States under this chapter in order to evaluate compliance with the provisions of this chapter, and especially with respect to compliance with subsections (a) and (b) of section 9904 of this title, and clauses (1) through (11) of subsection (c) of such section. Each such evaluation shall include identifying the impact that assistance furnished under this chapter has on children, pregnant adolescents, homeless families, and the elderly poor. A report of the evaluation, together with recommendations of improvements designed to enhance the benefit and impact to people in need, will be sent to each State evaluated. Upon receiving the report the State will then submit a plan of action in response to the recommendation contained in the report. The

results of the evaluation shall be submitted annually to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on Labor and Human Resources of the Senate.

(2) Whenever the Secretary determines that there is a pattern of complaints from any State in any fiscal year, the Secretary shall conduct an investigation of the use of funds received under this chapter by such State in order to ensure compliance with the provisions of this chapter.

(3) The Comptroller General of the United States shall conduct an investigation of the use of funds received under this chapter by a State in order to ensure compliance with the provisions of this chapter.

(c) Availability of books, documents, papers, and records

Pursuant to an investigation conducted under subsection (b) of this section, a State shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

(Pub. L. 97-35, title VI, §679, Aug. 13, 1981, 95 Stat. 517; Pub. L. 98-558, title II, §205, Oct. 30, 1984, 98 Stat. 2886; Pub. L. 99-425, title IV, §404(a), Sept. 30, 1986, 100 Stat. 969.)

AMENDMENTS

1986—Subsec. (b)(1). Pub. L. 99-425 inserted “evaluations and” after “fiscal year”, inserted “, and especially with respect to compliance with subsections (a) and (b) of section 9904 of this title, and clauses (1) through (11) of subsection (c) of such section” before the period at end of first sentence, and inserted provisions at end relating to identifying the impact that assistance under this chapter has on children, pregnant adolescents, homeless families, and elderly poor, sending reports to evaluated States, submitting State plans of action, and submitting the results of evaluations to committees of Congress.

1984—Subsec. (b)(2). Pub. L. 98-558, §205(a)(1), substituted “the Secretary” for “he” before “shall conduct an investigation”.

Subsec. (b)(3). Pub. L. 98-558, §205(a)(2), substituted “shall” for “may”.

Subsec. (d). Pub. L. 98-558, §205(b), struck out subsec. (d) which related to information not otherwise maintained.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Economic and Educational Opportunities of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9904, 9905a of this title.

§ 9909. Limitation on use of grants for construction; waiver

(a) Except as provided in subsection (b) of this section, grants made under this chapter (other

than amounts made available under section 9910(d) of this title) may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this chapter for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility.

(b) The Secretary may waive the limitation contained in subsection (a) of this section upon the State's request for such a waiver if he finds that the request describes extraordinary circumstances to justify the purchase of land or the construction of facilities (or the making of permanent improvements) and that permitting the waiver will contribute to the State's ability to carry out the purposes of this chapter.

(Pub. L. 97-35, title VI, § 680, Aug. 13, 1981, 95 Stat. 517; Pub. L. 99-425, title IV, § 405(c)(2), Sept. 30, 1986, 100 Stat. 970; Pub. L. 103-171, § 7(c)(3), Dec. 2, 1993, 107 Stat. 1994.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-171 substituted “section 9910(d)” for “section 9910(c)”.

1986—Subsec. (a). Pub. L. 99-425 substituted “9910(c)” for “9910(b)”.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

§ 9910. Discretionary authority of Secretary

(a) Training and activities of national or regional significance

The Secretary is authorized to make grants, loans, or guarantees to States and public agencies and private nonprofit organizations, or to enter into contracts or jointly financed cooperative arrangements with States and public agencies and private nonprofit organizations, to provide for ongoing activities of national or regional significance related to the purposes of this chapter, with special emphasis on—

(1) a Community Initiative Program, awarded on a competitive basis, to fund private, nonprofit community development corporations for purposes of planning and carrying out community and economic development activities in economically distressed areas and in rural areas, as described in subsection (c) of this section;

(2) grants to support the design, development, and widespread availability of interactive information technology among the nationwide network of Community Service Block Grant eligible entities, State administrators, national associations and organizations, and program recipients to promote electronic communication and access to program information that would enhance the effective delivery of social services; and

(3) grants to nonprofit private organizations that provide assistance for migrants and seasonal farmworkers.

(b) Community initiative program

(1) In general

(A) Economic development activities

Economic development activities under this section shall be designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

(B) Consultation

The Secretary shall exercise the authority provided under subparagraph (A) in consultation with other relevant Federal officials.

(C) Governing boards

Each community development corporation receiving funds under this section shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing, or managing low-income housing or community development projects.

(D) Geographic distribution

In providing assistance or entering into other arrangements under this section, the Secretary shall take into consideration the geographic distribution of funds among States and the relative proportion of funding among rural and urban areas.

(E) Reservation

Of the amounts made available to carry out this section, the Secretary may reserve not to exceed 1 percent for each fiscal year to make grants to private nonprofit organizations or to enter into contracts with private nonprofit or for profit organizations to provide technical assistance to aid community development corporations in developing or implementing projects funded under this section and to evaluate projects funded under this section.

(2) Rural community development activities

Rural community development activities under this section shall include—

(A) grants to private, nonprofit corporations that provide assistance to rural low-income families in home repair and in planning and developing low-income rural rental housing units; and

(B) grants to multistate, regional private, nonprofit organizations that provide training and technical assistance to small, rural communities in meeting their community facility needs.

(c) Final reports by recipients of assistance; summarization and transmittal to committees of Congress; catalog of projects assisted

(1) The final reports submitted by recipients of assistance under this section on projects completed with such assistance shall be summarized and reported by the Secretary annually to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on Labor and Human Resources of the Senate. The report shall contain a list of recipients who have re-

ceived assistance under this section outside of the competitive process.

(2) The Secretary shall, at the end of each fiscal year, prepare and distribute a catalog listing all the projects assisted under clause (A) of subsection (a)(2) of this section in such fiscal year. The catalog shall include—

(A) a description of each project;

(B) an identification of the agency receiving the award, including the name and address of the principal investigator;

(C) a description of the project objectives; and

(D) a statement of the accomplishments of the project.

(d) Availability of amounts authorized for any fiscal year

Of the amounts appropriated under section 9901(b) of this title for any fiscal year, not more than 9 percent of such amounts shall be available to the Secretary for purposes of carrying out this section, section 9911¹ of this title, and subchapter I of chapter 105 of this title.

(Pub. L. 97-35, title VI, § 681, Aug. 13, 1981, 95 Stat. 518; Pub. L. 98-558, title II, § 204, Oct. 30, 1984, 98 Stat. 2886; Pub. L. 99-425, title IV, § 405(a), (b), Sept. 30, 1986, 100 Stat. 969, 970; Pub. L. 101-501, title IV, §§ 405, 407(b), Nov. 3, 1990, 104 Stat. 1252, 1255; Pub. L. 103-171, § 7(a), Dec. 2, 1993, 107 Stat. 1993; Pub. L. 103-252, title II, § 203, May 18, 1994, 108 Stat. 654.)

REFERENCES IN TEXT

Section 9911 of this title, referred to in subsec. (d), was in the original a reference to section 682, meaning section 682 of the Community Services Block Grant Act. Section 682 of the Act was renumbered section 683 by Pub. L. 103-252, title II, § 205(1), May 18, 1994, 108 Stat. 655. A new section 682 of the Community Services Block Grant Act is classified to section 9910c of this title.

Subchapter I of chapter 105 of this title, referred to in subsec. (d), was in the original “subchapter A of chapter 8 of subtitle A of this title”, meaning subchapter A (§§ 611 to 633) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 489, known as the Community Economic Development Act of 1981, which is classified generally to subchapter I (§ 9801 et seq.) of chapter 105 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of this title and Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-252, § 203(a), inserted “ongoing activities of national or regional significance related to the purposes of this chapter, with special emphasis on—” after “to provide for” in introductory provisions, substituted pars. (1) to (3) for former pars. (1) to (3) which related to grants for training related to the purposes of this chapter, grants or contracts for ongoing activities of national or regional significance related to the purposes of this chapter, including special emphasis programs, and grants for training and technical assistance to aid States in carrying out their responsibilities under this chapter, and struck out concluding provisions which read “In addition, grants, loans, and guarantees made pursuant to this subsection may be made to a private nonprofit organization applying jointly with a business concern.”

Subsec. (b). Pub. L. 103-252, § 203(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Any instructional activity carried out under

subsection (a)(2)(F) of this section shall be carried out on the campus of an institution of higher education (as defined in section 1141(a) of title 20) and shall include—

“(1) access to the facilities and resources of such institution;

“(2) an initial medical examination and follow-up referral or treatment, without charge, for youth during their participation in such activity;

“(3) at least one nutritious meal daily, without charge, for participating youth during each day of participation;

“(4) high quality instruction in a variety of sports (that shall include swimming and that may include dance and any other high quality recreational activity) provided by coaches and teachers from institutions of higher education and from elementary and secondary schools (as defined in sections 2891(8) and 2891(21) of title 20); and

“(5) enrichment instruction and information on matters relating to the well-being of youth, such as educational opportunities and study practices, the prevention of drug and alcohol abuse, health and nutrition, career opportunities, and job responsibilities.”

1993—Subsec. (a)(2)(D). Pub. L. 103-171, § 7(a)(1), substituted “, including rental housing for low-income individuals” for “(including rental housing for low-income individuals) and community facilities”.

Subsec. (a)(2)(E) to (G). Pub. L. 103-171, § 7(a)(2), (3), added subpar. (E) and redesignated former subpars. (E) and (F) as (F) and (G), respectively.

1990—Subsec. (a)(2)(D). Pub. L. 101-501, § 405(a), substituted “the planning and development of rural housing (including rental housing for low-income individuals) and community facilities” for “rural housing and community facilities development”.

Subsec. (a)(2)(F). Pub. L. 101-501, § 405(b)(1), substituted “instructional activities described in subsection (b) of this section” for “recreational activities”.

Subsecs. (b), (c). Pub. L. 101-501, § 405(b)(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Subsec. (d). Pub. L. 101-501, §§ 405(b)(2), 407(b), redesignated subsec. (c) as (d) and inserted reference to section 9911 of this title.

1986—Subsec. (a). Pub. L. 99-425, § 405(a)(1), in introductory provisions substituted “is authorized to make” for “is authorized, either directly or through”, and inserted “to enter into” before “contracts”.

Subsec. (a)(1). Pub. L. 99-425, § 405(a)(2), inserted “, including national conferences, newsletters, and collection and dissemination of data about programs and projects assisted under this chapter” before the semicolon.

Subsec. (a)(2)(A). Pub. L. 99-425, § 405(a)(3), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “special programs of assistance to private, locally initiated community development programs which sponsor enterprises providing employment and business development opportunities for low-income residents of the area”.

Subsec. (a)(2)(D). Pub. L. 99-425, § 405(a)(4), inserted before the semicolon “(in selecting entities to carry out such programs, the Secretary shall give priority to private nonprofit organizations that before September 30, 1986, carried out such programs under this subparagraph)”.

Subsecs. (b), (c). Pub. L. 99-425, § 405(b), added subsec. (b) and redesignated former subsec. (b) as (c).

1984—Subsec. (a). Pub. L. 98-558, § 204(a)(1), substituted “public agencies and private nonprofit organizations” for “public and other organizations and agencies” in two places in provisions preceding par. (1).

Pub. L. 98-558, § 204(b), inserted at end “In addition, grants, loans, and guarantees made pursuant to this subsection may be made to a private nonprofit organization applying jointly with a business concern.”

Subsec. (a)(3). Pub. L. 98-558, § 204(a)(2), added par. (3).

¹ See References in Text note below.

CHANGE OF NAME

Committee on Education and Labor of Representatives changed to Committee on Economic and Educational Opportunities of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-252 effective Oct. 1, 1994, see section 208 of Pub. L. 103-252, set out as a note under section 9901 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

TRANSFER OF FUNCTIONS

Functions relating to administration of Community Development Credit Union Revolving Loan Fund transferred from Secretary of Health and Human Services to National Credit Union Administration Board by Pub. L. 99-609, set out as a note under section 9822 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9803, 9812a, 9903, 9909, 9911, 11841 of this title.

§ 9910a. Community food and nutrition**(a) Authority; Secretary; programs**

The Secretary may through grants to public and private nonprofit agencies, provide for community-based, local, statewide, and national programs—

(1) to coordinate existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income populations;

(2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate new programs in underserved or unserved areas; and

(3) to develop innovative approaches at the State and local level to meet the nutrition needs of low-income people.

(b) Allotment of funds

(1) Of the amount appropriated for a fiscal year to carry out this section, the Secretary shall allot funds for grants under subsection (a) of this section as follows:

(A) From 60 percent of such amount (but not to exceed \$3,600,000), the Secretary shall allot for grants to eligible agencies for statewide programs in each State the amount that bears the same ratio to 60 percent of the amount appropriated for such fiscal year as the low-income and unemployed population of such State bear to the low-income and unemployed populations of all the States.

(B) From 40 percent of such amount (but not to exceed \$2,400,000), the Secretary shall allot for grants on a competitive basis to eligible agencies for local and statewide programs.

(2) Any amounts appropriated for a fiscal year to carry out this section in excess of \$6,000,000 shall be allotted as follows:

(A) The Secretary shall use 40 percent of such excess to make allotments for grants under subsection (a) of this section to eligible agencies for statewide programs in each State in an aggregate amount that bears the same ratio to 40 percent of such excess as the low-income and unemployed populations of such State bears to the low-income and unemployed populations of all States.

(B) The Secretary shall use 40 percent of such excess to award grants under subsection (a) of this section on a competitive basis to eligible agencies for local and statewide programs.

(C) The Secretary shall use the remaining 20 percent of such excess to award grants under subsection (a) of this section on a competitive basis to eligible agencies for nationwide programs, including programs benefiting Native Americans and migrant farm workers. In any fiscal year, the Secretary may not make grants under this subparagraph to a particular eligible agency in an aggregate amount exceeding \$300,000.

(3) For purposes of paragraphs (1)(A) and (2)(A), an eligible agency shall demonstrate that the proposed program is statewide in scope and represents a comprehensive and coordinated effort to alleviate hunger within the State.

(4) From the amounts allocated under paragraphs (1)(A) and (2)(A), the minimum total allotment for each State for each fiscal year shall be—

(A) \$15,000 if the total amount appropriated to carry out this section is not less than \$7,000,000 but less than \$10,000,000;

(B) \$20,000 if the total amount appropriated to carry out this section is not less than \$10,000,000 but less than \$15,000,000; or

(C) \$30,000 if the total amount appropriated to carry out this section is not less than \$15,000,000.

For purposes of this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(5) From funds allotted under paragraphs (1)(B) and (2)(B) in any fiscal year, the Secretary may not make grants under subsection (a) of this section to an eligible agency in an aggregate amount exceeding \$50,000.

(c) Report to Congress

For each fiscal year, the Secretary shall prepare and submit, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the grants awarded under this section. Such report shall include—

(1) a list of grantees;

(2) the amount of funding awarded to each grantee; and

(3) a summary of the activities performed by grantees with funds awarded under this section and a description of the manner in which such activities meet the objectives described in subsection (a) of this section.

(d) Authorization of appropriations

There are authorized to be appropriated \$25,000,000 for fiscal year 1995, and such sums as

may be necessary for each of fiscal years 1996 through 1998, to carry out this section.

(Pub. L. 97-35, title VI, § 681A, as added Pub. L. 98-558, title II, § 206, Oct. 30, 1984, 98 Stat. 2886; amended Pub. L. 99-425, title IV, § 406, Sept. 30, 1986, 100 Stat. 970; Pub. L. 101-501, title IV, §§ 401(b), 406, Nov. 3, 1990, 104 Stat. 1251, 1253; Pub. L. 103-171, § 7(c)(4), Dec. 2, 1993, 107 Stat. 1994; Pub. L. 103-252, title II, § 204, May 18, 1994, 108 Stat. 655.)

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-252 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “There is authorized to be appropriated \$3,000,000 for fiscal year 1990, \$10,000,000 for fiscal year 1991, \$15,000,000 for fiscal year 1992, \$20,000,000 for fiscal year 1993, and \$25,000,000 for fiscal year 1994 to carry out this section.”

1993—Subsec. (a). Pub. L. 103-171 substituted “statewide” for “Statewide” in introductory provisions.

1990—Subsec. (a). Pub. L. 101-501, § 406(a), substituted “local, Statewide, and national” for “local, and statewide”.

Subsec. (b). Pub. L. 101-501, § 406(b)(1), (3), added subsec. (b) and struck out former subsec. (b) which read as follows:

“(1) From 60 percent of the amount appropriated for a fiscal year to carry out this section, the Secretary shall allot for grants under subsection (a) of this section to eligible agencies for statewide programs in each State an amount which bears the same ratio to 60 percent of such appropriation as the low-income and unemployed populations of such State bear to the low-income and unemployed populations of all the States.

“(2) Forty percent of the amount appropriated in a fiscal year to carry out this section shall be available for grants under subsection (a) of this section to be awarded on a competitive basis to eligible agencies for local and statewide programs. In any fiscal year no agency may receive funds awarded in accordance with this paragraph in excess of \$50,000.”

Subsec. (c). Pub. L. 101-501, § 406(c)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Pub. L. 101-501, § 401(b), substituted “fiscal year” for “each of the fiscal years 1987, 1988, 1989, and” and inserted “, \$10,000,000 for fiscal year 1991, \$15,000,000 for fiscal year 1992, \$20,000,000 for fiscal year 1993, and \$25,000,000 for fiscal year 1994” after “1990”.

Subsec. (d). Pub. L. 101-501, § 406(b)(2), (c)(1), amended section identically, redesignating subsec. (c) as (d).

1986—Subsecs. (b), (c). Pub. L. 99-425 added subsecs. (b) and (c), and struck out former subsec. (b) which authorized appropriations for fiscal years 1985 and 1986.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Economic and Educational Opportunities of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-252 effective Oct. 1, 1994, see section 208 of Pub. L. 103-252, set out as a note under section 9901 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 9910b. Demonstration partnership agreements addressing needs of poor

(a) General authority

(1) In order to stimulate the development of new approaches to provide for greater self-sufficiency of the poor, to test and evaluate such new approaches, to disseminate project results and evaluation findings so that such approaches can be replicated, and to strengthen the integration, coordination, and redirection of activities to promote maximum self-sufficiency among the poor, the Secretary may make grants from funds appropriated under subsection (e) of this section to eligible entities for the development and implementation of new and innovative approaches to deal with particularly critical needs or problems of the poor which are common to a number of communities. Grants may be made only with respect to applications which—

(A) involve activities which can be incorporated into or be closely coordinated with eligible entities’ ongoing programs;

(B) involve significant new combinations of resources or new and innovative approaches involving partnership agreements;

(C) are structured in a way that will, within the limits of the type of assistance or activities contemplated, most fully and effectively promote the purposes of the Community Services Block Grant Act [42 U.S.C. 9901 et seq.]; and

(D) contain an assurance that the applicant for such grants will obtain an independent, methodologically sound evaluation of the effectiveness of the activities carried out with such grant and will submit such evaluation to the Secretary.

(2) No grant may be made under this section unless an application is submitted to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may require.

(3) Initial and subsequent grant awards may fully fund projects for periods of up to 3 years.

(b) Federal share; limitations

(1)(A) Subject to subparagraph (B), grants awarded pursuant to this section shall be used for programs and shall not exceed 50 per centum of the cost of such programs.

(B) After the first funding period for which an eligible entity receives a grant under this section to carry out a program, the amount of a subsequent grant made under this section to such entity to carry out such program may not exceed 80 percent of the amount of the grant previously received by such entity under this section to carry out such program.

(2) Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

(3) Not more than one grant in each fiscal year may be made to any eligible entity, and no grant may exceed \$350,000. Not more than 2

grants may be made under this section to an eligible entity to carry out a particular program.

(4) No application may be approved for assistance under this section unless the Secretary is satisfied that—

(A) the activities to be carried out under the application will be in addition to, and not in substitution for, activities previously carried on without Federal assistance; and

(B) funds or other resources devoted to programs designed to meet the needs of the poor within the community, area, or State will not be diminished in order to provide the matching contributions required under this section.

(c) Programs directed to special populations

(1) In addition to the grant programs described in subsection (a) of this section, the Secretary may make grants to community action agencies for the purpose of enabling such agencies to demonstrate new approaches to dealing with the problems caused by entrenched, chronic unemployment and lack of economic opportunities for urban youth. Demonstrations shall include such activities as peer counseling, mentoring, development of job skills, assistance with social skills, community services, family literacy, parenting skills, opportunities for employment or entrepreneurship, and other services designed to assist such at-risk youth to continue their education, to secure meaningful employment, to perform community service, or to pursue other productive alternatives within the community.

(2) Such grants may be made only with respect to applications that—

(A) identify and describe the population to be served, the problems to be addressed, the overall approach and methods of outreach and recruitment to be used, and the services to be provided;

(B) describe how the approach to be used differs from other approaches used for the population to be served by the project;

(C) describe the objectives of the project and contain a plan for measuring progress toward meeting those objectives; and

(D) contain assurances that the grantee will report on the progress and results of the demonstration at such times and in such manner as the Secretary shall require.

(3) Notwithstanding subsection (b) of this section, such grants shall not exceed 80 percent of the cost of such programs.

(4) Such grants made under this subsection on a competitive basis shall be based on an annual competition determined by the Secretary. Grants made under this subsection shall not exceed \$500,000.

(d) Dissemination of results

As soon as practicable, but not later than 180 days after the end of the fiscal year in which a recipient of a grant under this section completes the expenditure of such grant, the Secretary shall prepare and make available to each State and each eligible entity a description of the program carried out with such grant, any relevant information developed and results achieved, and a summary of the evaluation of such program received under subsection (a)(1)(D) of this section so as to provide a model of innovative programs for other eligible entities.

(e) Replication of programs

(1) The Secretary shall annually identify programs that receive grants under this section that demonstrate a significant potential for dealing with particularly critical needs or problems of the poor that exist in a number of communities.

(2) Not less than 10 percent, and not more than 25 percent, of the funds appropriated for each fiscal year to carry out this section shall be available to make grants under this section to replicate in additional geographic areas programs identified under paragraph (1).

(f) Report to Congress

The Secretary shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report containing—

(1) a description of—

(A) programs for which grants under this section in the then most recently completed fiscal year; and

(B) the evaluations received under subsection (a)(1)(D) of this section in such fiscal year; and

(2) a description of the methods used by the Secretary to comply with subsection (d) of this section;

(3) recommendations of the Secretary regarding the suitability of carrying out such programs with funds made available under other Federal laws; and

(4) a description of each program identified under subsection (d)(1)¹ of this section or replicated under subsection (e)(2) of this section, and an identification of the geographical location where such program was carried out.

(g) Definitions

As used in this section—

(1) the term “eligible entity” has the same meaning given such term by section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)), except that such term includes an organization that serves migrant and seasonal farm workers and that receives a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) in the fiscal year preceding the fiscal year for which such organization requests a grant under this section; and

(2) the term “Secretary” means the Secretary of Health and Human Services.

(h) Authorization of appropriations

(1) There are authorized to be appropriated \$30,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998, to carry out this section.

(2) Of the amounts appropriated for this section, not less than 30 percent and not more than 40 percent shall be used to carry out the programs authorized under subsection (c) of this section.

(3) In addition to sums which are required to carry out the evaluation, reporting, and dissemination of results under subsections (a), (c),

¹ So in original. Probably should be subsection “(e)(1)”.

(d), and (f) of this section, the Secretary is authorized to reserve up to 2 percent of the amounts appropriated pursuant to subparagraphs (1) and (2) for administration of the program as well as for planning and technical assistance.

(Pub. L. 99-425, title IV, § 408, Sept. 30, 1986, 100 Stat. 972; Pub. L. 101-204, title VII, § 705, Dec. 7, 1989, 103 Stat. 1821; Pub. L. 101-501, title VI, §§ 601, 602, Nov. 3, 1990, 104 Stat. 1257, 1258; Pub. L. 103-252, title II, § 207, May 18, 1994, 108 Stat. 656.)

REFERENCES IN TEXT

The Community Services Block Grant Act, referred to in subsecs. (a)(1)(C) and (g)(1), is subtitle B (§§ 671-683) of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 511, as amended, which is classified generally to this chapter (§9901 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 9901 of this title and Tables.

CODIFICATION

Section was enacted as part of the Human Services Reauthorization Act of 1986, and not as part of the Community Services Block Grant Act which comprises this chapter.

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103-252, § 207(1), added par. (3).

Subsec. (b)(1)(B). Pub. L. 103-252, § 207(2), substituted “After the first funding period” for “After the first fiscal year”.

Subsec. (c)(1). Pub. L. 103-252, § 207(3)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “In addition to the grant programs described in subsection (a) of this section, the Secretary shall make grants to eligible entities for the purpose of demonstrating new and innovative approaches to addressing the problems of, and providing opportunities for leadership development, community involvement, and educational success to, disadvantaged persons between the ages of 14 and 25 from populations experiencing conditions such as a high poverty rate, high unemployment, high dropout rate, low labor force participation, low enrollment in college or participation in other post high school training classes, high incidence of involvement in violence, and a high rate of incarceration. Services provided through approaches funded by such grants may include assessment and development of employability plans, remedial education, motivational activities, life skills instruction, community service, mentoring, access to information on available financial aid, campus visits, career education, cultural enrichment, and employment training, placement, and follow-up.”

Subsec. (c)(4). Pub. L. 103-252, § 207(3)(B), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “Such grants shall be made annually on such terms and conditions as the Secretary shall specify to eligible entities that serve the populations described in paragraph (1) and that are located within those areas where such populations are concentrated.”

Subsec. (h). Pub. L. 103-252, § 207(4), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows:

“(1) There are authorized to be appropriated \$10,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994, to carry out this section (other than subsection (c) of this section).

“(2) There are authorized to be appropriated \$10,000,000 for fiscal year 1991 and such sums as may be necessary in each of the fiscal years 1992 through 1994, to carry out subsection (c) of this section.”

1990—Subsecs. (c) to (e). Pub. L. 101-501, § 601(2), (3), added subsec. (c) and redesignated former subsecs. (c)

and (d) as (d) and (e), respectively. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 101-501, § 601(1), (2), redesignated subsec. (e) as (f) and substituted “subsection (d)” for “subsection (c)” in par. (2) and “subsection (e)(2)” for “subsection (d)(2)” in par. (4). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 101-501, § 601(2), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 101-501, §§ 601(2), 602, redesignated subsec. (g) as (h), designated existing provisions as par. (1), substituted “\$10,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994” for “\$5,000,000 for each of the fiscal years 1987, 1988, and 1989, and \$7,000,000 for fiscal year 1990”, inserted “(other than subsection (c) of this section)” before period at end, and added par. (2).

1989—Subsec. (a)(1). Pub. L. 101-204, § 705(a)(1), substituted “stimulate the development of new approaches to provide for greater self-sufficiency of the poor, to test and evaluate such new approaches, to disseminate project results and evaluation findings so that such approaches can be replicated, and to strengthen the integration, coordination, and redirection of activities to promote maximum self-sufficiency among the poor” for “provide for the self-sufficiency of the Nation’s poor”.

Subsec. (a)(1)(D). Pub. L. 101-204, § 705(a)(2), added subpar. (D).

Subsec. (b)(1). Pub. L. 101-204, § 705(b)(1), designated existing provisions as subpar. (A), substituted “Subject to subparagraph (B), grants” for “Grants”, struck out “new” before “programs” wherever appearing, and added subpar. (B).

Subsec. (b)(3). Pub. L. 101-204, § 705(b)(2), inserted “in each fiscal year” after “than one grant”, substituted “\$350,000” for “\$250,000”, and inserted at end “Not more than 2 grants may be made under this section to an eligible entity to carry out a particular program.”

Subsec. (c). Pub. L. 101-204, § 705(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “As soon as practicable, but no later than 90 days after the expiration of the fiscal year for which any grant is awarded under this section, the Secretary shall prepare and make available upon request to each State and eligible entity descriptions of the demonstration programs assisted under this section, and any relevant information developed and results achieved, so as to provide models for innovative programs to other eligible entities.”

Subsecs. (d), (e). Pub. L. 101-204, § 705(f)(2), added subsecs. (d) and (e). Former subsecs. (d) and (e) redesignated (f) and (g), respectively.

Subsec. (f). Pub. L. 101-204, § 705(d), (f)(1), redesignated subsec. (d) as (f) and inserted before semicolon in par. (1) “, except that such term includes an organization that serves migrant and seasonal farm workers and that receives a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) in the fiscal year preceding the fiscal year for which such organization requests a grant under this section”.

Subsec. (g). Pub. L. 101-204, § 705(e), (f)(1), redesignated subsec. (e) as (g), substituted “are” for “is”, and inserted “and \$7,000,000 for fiscal year 1990,” after “1989”.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Economic and Educational Opportunities of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-252 effective Oct. 1, 1994, see section 208 of Pub. L. 103-252, set out as a note under section 9901 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as an Effective Date of 1986 Amendment note under section 8621 of this title.

§ 9910c. National or regional programs designed to provide instructional activities for low-income youth

(a) General authority

The Secretary of Health and Human Services is authorized to make a grant to an eligible service provider to administer national or regional programs to provide instructional activities for low-income youth. In making such a grant, the Secretary shall give a priority to eligible service providers that have a demonstrated ability to operate such a program.

(b) Program requirements

(1)¹ Any instructional activity carried out by an eligible service provider receiving a grant under this subsection shall be carried out on the campus of an institution of higher education (as defined in section 1141(a) of title 20) and shall include—

(A) access to the facilities and resources of such an institution;

(B) an initial medical examination and follow-up referral or treatment, without charge, for youth during their participation in such activity;

(C) at least one nutritious meal daily, without charge, for participating youth during each day of participation;

(D) high quality instruction in a variety of sports (that shall include swimming and that may include dance and any other high quality recreational activity) provided by coaches and teachers from institutions of higher education and from elementary and secondary schools (as defined in sections 2891(8) and 2891(21)² of title 20); and

(E) enrichment instruction and information on matters relating to the well-being of youth, to include educational opportunities and study practices, education for the prevention of drugs and alcohol abuse, health and nutrition, career opportunities and family and job responsibilities.

(c) Eligible providers

A national private nonprofit organization, a coalition of such organizations, or a private nonprofit organization applying jointly with a business concern shall be eligible for a grant under this subsection if—

(1) the applicant has demonstrated experience in operating a program providing instruction to low-income youth;

(2) the applicant shall contribute amounts in cash or fairly evaluated in kind of no less than 25 percent of the amount requested;

(3) the applicant shall use no funds from a grant authorized under this section for administrative expenses; and

(4) the applicant agrees to comply with the regulations or program guidelines promulgated by the Secretary of Health and Human

Services for use of funds made available by this grant.

(d) Applications process

Eligible service providers may submit to the Secretary of Health and Human Services, for approval, an application in such form at such time as the Secretary deems appropriate.

(e) Promulgation of regulations or program guidelines

The Secretary of Health and Human Services shall promulgate regulations or program guidelines to ensure funds made available under a grant made under this section are used in accordance with the intentions of this Act.

(f) Authorization of appropriations

There is authorized to be appropriated \$15,000,000 for each fiscal year 1995, 1996, 1997, and 1998 for grants to carry out this section.

(Pub. L. 97-35, title VI, § 682, as added Pub. L. 103-252, title II, § 205(2), May 18, 1994, 108 Stat. 655.)

REFERENCES IN TEXT

Sections 2891(8) and 2891(21) of title 20, referred to in subsec. (b)(1)(D), were in the original "sections 1471(8) and 1471(21) of the Elementary and Secondary Education Act of 1965", Pub. L. 89-10, and were omitted in the general amendment of that Act by Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3519. See section 8801 of Title 20, Education.

This Act, referred to in subsec. (e), is Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 357, as amended, known as the Omnibus Budget Reconciliation Act of 1981. For complete classification of this Act to the Code, see Tables.

EFFECTIVE DATE

Section effective Oct. 1, 1994, see section 208 of Pub. L. 103-252, set out as an Effective Date of 1994 Amendment note under section 9901 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 6703.

§ 9911. Annual report

(a) Contract; contents

(1) For each fiscal year beginning after September 30, 1991, the Secretary shall, by awarding a grant or contract to an entity that is knowledgeable about programs and projects assisted under section 9903 of this title, prepare a report containing the following information:

(A) The uses of the Community Services Block Grant to the States that are related to the purposes of the¹ chapter.

(B) The number of entities eligible for funds under this chapter, the number of low-income persons served under this chapter, and that amount of information concerning the demographics of the low-income populations served by such eligible entities as is determined to be feasible.

(C) Any information in addition to that described in subparagraph (B) that the Secretary considers to be appropriate to carry out this chapter, except that the Secretary may not require a State to provide such additional information until the expiration of the 1-year pe-

¹ So in original. No par. (2) has been enacted.

² See References in Text note below.

¹ So in original. Probably should be "this".

riod beginning on the date on which the Secretary notifies such State that such additional information will be required to be provided.

(2) In selecting an entity to prepare a report under this subsection, the Secretary shall give a preference to any nonprofit entity that has demonstrated the ability to secure the voluntary cooperation of grantees under this chapter in designing and implementing national Community Services Block Grant information systems.

(b) Submission to Congress

The Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

(1) such report in the form in which it was received by the Secretary; and

(2) any comments the Secretary may have with respect to such report.

(c) Available funds

Of the funds made available under section 9910(d) of this title, not more than \$250,000 shall be available to carry out this section.

(Pub. L. 97-35, title VI, §683, formerly §682, as added Pub. L. 101-501, title IV, §407(a), Nov. 3, 1990, 104 Stat. 1254; amended Pub. L. 103-171, §7(b), Dec. 2, 1993, 107 Stat. 1993; renumbered §683, Pub. L. 103-252, title II, §205(1), May 18, 1994, 108 Stat. 655.)

PRIOR PROVISIONS

A prior section 9911, Pub. L. 97-35, title VI, §682, Aug. 13, 1981, 95 Stat. 518; Pub. L. 97-115, §17(c), Dec. 29, 1981, 95 Stat. 1609; Pub. L. 97-274, Sept. 30, 1982, 96 Stat. 1183, related to transition provisions, prior to repeal by Pub. L. 101-501, §407(a).

AMENDMENTS

1993—Subsec. (a)(1). Pub. L. 103-171, §7(b)(1)(A)(i), (ii), substituted “awarding a grant or contract to” for “contract with” and “section 9903 of this title” for “this chapter”.

Subsec. (a)(1)(A) to (C). Pub. L. 103-171, §7(b)(1)(A)(iii), added subpars. (A) to (C) and struck out former subpars. (A) and (B), which read as follows:

“(A) The identity of each eligible entity, agency, organization, and person that receives, directly or indirectly, funds to carry out this chapter in such fiscal year.

“(B) With respect to each particular purpose or activity referred to in section 9904(c)(1) of this title—

“(i) the aggregate amount of such funds expended in such fiscal year to achieve such purpose or carry out such activity; and

“(ii) the number of individuals who directly benefited from the amount so expended.”

Subsec. (a)(2), (3). Pub. L. 103-171, §7(b)(1)(B), (C), added par. (2) and struck out former pars. (2) and (3), which read as follows:

“(2) For any fiscal year beginning after September 30, 1991, the Secretary may, by contract, include in such report any additional information the Secretary considers to be appropriate to carry out this chapter, except that the Secretary may not require a State to provide such additional information until the expiration of the 1-year period beginning on the date the Secretary notifies such State that such additional information will be required to be provided by such State.

“(3) The Secretary may not carry out this subsection by entering into a contract with any State, eligible entity, agency, organization, or person that receives, directly or indirectly, funds to carry out this chapter.”

Subsec. (b). Pub. L. 103-171, §7(b)(2), substituted “The Secretary” for “Not later than 180 days after the end of

the fiscal year for which a report is required by subsection (a) of this section to be prepared, the Secretary” in introductory provisions.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Economic and Educational Opportunities of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EFFECTIVE DATE

Section effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as an Effective Date of 1990 Amendment note under section 8621 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9910 of this title.

§ 9912. Technical provisions

(a) Repeal of other statutory provisions

Effective October 1, 1981, the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.], other than titles VIII and X of such Act [42 U.S.C. 2991 et seq., 2996 et seq.], is repealed.

(b) Reauthorization of appropriations

There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1982, 1983, and 1984, to carry out title VIII of the Economic Opportunity Act of 1964 [42 U.S.C. 2991 et seq.].

(c) Conforming provisions

(1) Any reference in any provision of law to the poverty line set forth in section 624 or 625 of the Economic Opportunity Act of 1964 [42 U.S.C. 2971d] shall be construed to be a reference to the poverty line defined in section 9902(2) of this title.

(2) Any reference in any provision of law to any community action agency designated under title II of the Economic Opportunity Act of 1964 [42 U.S.C. 2781 et seq.] shall be construed to be a reference to private nonprofit community organizations eligible to receive funds under this chapter.

(3) No action or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any agency administering the Act repealed by subsection (a) of this section shall abate by reason of the enactment of this Act.

(Pub. L. 97-35, title VI, §684, formerly §683, Aug. 13, 1981, 95 Stat. 519; Pub. L. 98-288, §31(b), May 21, 1984, 98 Stat. 198; renumbered §684, Pub. L. 103-252, title II, §205(1), May 18, 1994, 108 Stat. 655.)

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in text, is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§2701 et seq.) of this title prior to repeal, except for titles VIII and X, by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519. Title II of the Economic Opportunity Act of 1964 was classified generally to subchapter II (§2781 et seq.) of chapter 34 of this title. Titles VIII and X of the Act are classified generally to subchapters VIII (§2991 et seq.) and X (§2996 et seq.) of chapter 34 of this title. Section 625 of the Act, which was subsequently renumbered section 624 of the Act, was classified to section 2971d of this title, prior to re-

peal by section 683(a) of Pub. L. 97-35. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsec. (c)(3), is Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 357, as amended, known as the Omnibus Budget Reconciliation Act of 1981. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1984—Subsec. (c)(1). Pub. L. 98-288 substituted “section 624 or 625” for “section 624”.

CHAPTER 107—CONSUMER-PATIENT RADIATION HEALTH AND SAFETY

Sec.	
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§ 10001. Statement of findings

The Congress finds that—

(1) it is in the interest of public health and safety to minimize unnecessary exposure to potentially hazardous radiation due to medical and dental radiologic procedures;

(2) it is in the interest of public health and safety to have a continuing supply of adequately educated persons and appropriate accreditation and certification programs administered by State governments;

(3) the protection of the public health and safety from unnecessary exposure to potentially hazardous radiation due to medical and dental radiologic procedures and the assurance of efficacious procedures are the responsibility of State and Federal governments;

(4) persons who administer radiologic procedures, including procedures at Federal facilities, should be required to demonstrate competence by reason of education, training, and experience; and

(5) the administration of radiologic procedures and the effect on individuals of such procedures have a substantial and direct effect upon United States interstate commerce.

(Pub. L. 97-35, title IX, §976, Aug. 13, 1981, 95 Stat. 598.)

SHORT TITLE

Section 975 of Pub. L. 97-35 provided that: “This subtitle [subtitle I (§§975-983) of title IX of Pub. L. 97-35, enacting this chapter] may be cited as the ‘Consumer-Patient Radiation Health and Safety Act of 1981’.”

§ 10002. Statement of purpose

It is the purpose of this chapter to—

(1) provide for the establishment of minimum standards by the Federal Government for the accreditation of education programs for persons who administer radiologic procedures and for the certification of such persons; and

(2) insure that medical and dental radiologic procedures are consistent with rigorous safety precautions and standards.

(Pub. L. 97-35, title IX, §977, Aug. 13, 1981, 95 Stat. 599.)

§ 10003. Definitions

Unless otherwise expressly provided, for purposes of this chapter, the term—

(1) “radiation” means ionizing and nonionizing radiation in amounts beyond normal background levels from sources such as medical and dental radiologic procedures;

(2) “radiologic procedure” means any procedure or article intended for use in—

(A) the diagnosis of disease or other medical or dental conditions in humans (including diagnostic X-rays or nuclear medicine procedures); or

(B) the cure, mitigation, treatment, or prevention of disease in humans;

that achieves its intended purpose through the emission of radiation;

(3) “radiologic equipment” means any radiation electronic product which emits or detects radiation and which is used or intended for use to—

(A) diagnose disease or other medical or dental conditions (including diagnostic X-ray equipment); or

(B) cure, mitigate, treat, or prevent disease in humans;

that achieves its intended purpose through the emission or detection of radiation;

(4) “practitioner” means any licensed doctor of medicine, osteopathy, dentistry, podiatry, or chiropractic, who prescribes radiologic procedures for other persons;

(5) “persons who administer radiologic procedures” means any person, other than a practitioner, who intentionally administers radiation to other persons for medical purposes, and includes medical radiologic technologists (including dental hygienists and assistants), radiation therapy technologists, and nuclear medicine technologists;

(6) “Secretary” means the Secretary of Health and Human Services; and

(7) “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(Pub. L. 97-35, title IX, §978, Aug. 13, 1981, 95 Stat. 599.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 10004. Promulgation of standards

(a) Within twelve months after August 13, 1981, the Secretary, in consultation with the Radiation Policy Council, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, appropriate agencies of the States, and appropriate professional organizations, shall by regulation promulgate minimum standards for the accreditation of educational